

REMARKS

This Amendment ("Amendment") is in response to the March 13, 2007 Office Action ("Office Action"). Claims 1-33, 39-57, 63-65, 68-78, and 80-90 are pending; claims 34-38 and 66-67, drawn to a kit, were previously withdrawn from consideration, as non-elected group II; claims 39-65, directed to methods of measuring enzymatic activity, were previously withdrawn from consideration, as non-elected group III. Claims 34-38, 58-62, 66-67 and 79 have been cancelled.

Applicants thank the Examiner for an Examiner Interview on April 26, 2007. Present at the teleconference were Dieter Klaubert, Tom McBride, Examiner Gitomer and the undersigned. After discussion of a proposed amended claim, it was agreed to submit an amendment in the form of an RCE.

SUPPORT

Amendments to the Claims

Claims 1-33, 68-74, and 80-90 are presently being examined. Claims 1, 6, 10-12, 15, 16, 19, 33, 68-74, and 84 are amended. Support for the amendments is found throughout the specification and drawings, for example at page 19, lines 15-16 for claims 1, 6, 10, 16 and 33. Claims 11, 12, 68-74 and 84 were amended to be consistent with the claims from which each depends. The word "each" was inserted into claims 15 and 19 for clarity.

CLAIM REJECTIONS

Claims 1-33, 68-74 and 79-90 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by each of Sakaki and Mitani. Claims 1-33, 68-74 and 79-90 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants respectfully assert that the claims are not anticipated, that all of the claims comply with 35 U.S.C. § 112, second paragraph, and all of the claims are allowable.

The Claims are Definite

Claims 1-33, 68-74 and 79-90 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and

distinctly claim the subject matter that applicant regards as the invention. Specifically, the Office action states that in claim 1 where the R groups "are each independently a protecting group that is removable by an enzyme wherein the enzyme is an esterase or phosphatase" does not define the R groups to an extent that one would know the metes and bounds of the claim.

Applicants respectfully traverse this rejection. However, out of expediency, claims 1, 6, 10, 16 have been amended to recite that "R¹¹ together with the oxygen atom to which it is attached is an ester or an acyloxymethyl ether." As such, one would know the metes and bounds of these independent claims. R¹⁴, R¹⁵, and R¹⁶ have been amended to recite "a protecting group." Protecting groups are well known to one skilled in the art. The specification, for example, cites at page 17, lines 11-12, the book "Protective Groups in Organic Synthesis." Eds. Greene, Wuts; John Wiley and Sons, New York, 1991.

Applicants respectfully assert that the claims meet the requirements of 35 U.S.C. § 112, second paragraph, and request that the rejection be withdrawn.

The Claims are Not Anticipated

Claims 1-33, 68-74 and 79-90 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by each of Sakaki and Mitani. The Office action states that each Sakaki and Mitani teach an ester bonded to the core compound. Applicants respectfully traverse this rejection for the reasons presented in the February 7, 2007 Office action response. In short, no ester is present in the compounds of Sakaki and Mitani.

As noted above, claims 1, 6, 10, 16 have been amended to recite that "R¹¹ together with the oxygen atom to which it is attached is an ester or an acyloxymethyl ether." Neither Sakaki nor Mitani teach an acyloxymethyl ether. Neither Sakaki nor Mitani teach an ester. As such, Applicants respectfully assert that the claims are not anticipated by Sakaki or Mitani, and request that the rejection be withdrawn.

CONCLUSION

Applicants believe that pending claims 1-33, 68-74, and 80-90 are patentable. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned agent for the applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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